

PUBLIC CHAPTER NO. 423

SENATE BILL NO. 1144

**By Watson, McNally, Burks, Woodson, Burchett, Crutchfield, Kilby,
Marrero,
Raymond Finney, Johnson**

Substituted for: House Bill No. 964

**By Overbey, Williams, Harmon, Gresham, Todd, Armstrong, McCormick,
Bell, Windle, Crider, Floyd, Dean, Ford, Vaughn, McDaniel, Coley,
Montgomery, Bone, Shaw, Yokley, DuBois, Briley,
Harry Brooks, Eldridge, Ferguson**

AN ACT to amend Tennessee Code Annotated, Section 63-13-109(b) and Section 63-13-303, relative to referral requirements for patient access to physical therapy services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-13-109(b), is amended by deleting such section in its entirety and substituting instead the following:

(b) (1) The scope of practice of physical therapy shall be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, with exceptions as stated in § 63-13-303.

(2) The scope of practice of physical therapy shall not include the performance of treatment where the physical therapist or physical therapist assistant uses direct thrust to move a joint of the patient's spine beyond its normal range of motion without exceeding the limits of anatomical integrity.

SECTION 2. Tennessee Code Annotated, Section 63-13-303, is amended by deleting such section in its entirety and by substituting instead the following:

(a) The practice of physical therapy shall be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, except for the following:

(1) A licensed physical therapist may conduct an initial evaluation of a patient without referral;

(2) A licensed physical therapist may provide physical assessments or instructions, including a recommendation of

exercise to an asymptomatic person, without the referral of a referring practitioner;

(3) In emergency circumstances, including minor emergencies, a licensed physical therapist may provide assistance to a person to the best of a therapist's ability without the referral of a referring practitioner. Except as outlined in subdivision (a)(4) below, the physical therapist shall refer such person to the appropriate health care practitioner, as indicated, immediately after providing assistance. For the purposes of this subdivision (a)(3):

(A) "Emergency circumstances" means instances where emergency medical care is required; and

(B) "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions;
or

(iii) Serious dysfunction of any bodily organ or part; and

(4) A licensed physical therapist may treat a patient without a referral when all of the following apply:

(A) When a patient provides the name of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy and expressly wants the physical therapist to inform such physician, the physical therapist shall inform the patient's licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy not later than five (5) business days after the evaluation. A consultation shall occur between the physical therapist and the patient's licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy within the first six (6) visits or fifteen (15) business days, whichever comes first, of the findings of the patient's initial visit for physical therapy and any subsequent visits. Should that consultation not take place, no further therapy beyond the six (6) visits or fifteen (15) days, whichever comes first, will be delivered;

(B) Where a patient does not provide the name of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy or expressly states to the therapist that the patient does not want a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy informed of the initiation of therapy services, the therapist shall have the patient sign a consent form that confirms the patient either does not have a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy or does not want a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy informed of the initiation of therapy treatment. Such consent form shall be maintained in the patient's record;

(C) If the patient presents to the physical therapist for a problem for which the patient has been seen by a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy within the past twelve (12) months, the consent of the patient is not necessary to inform that licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy of the presentation for the physical therapy treatment. If the patient has no licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, then the physical therapist shall make a suggestion from the list of available providers and shall inform the patient of the forty-five (45) day limitation in subdivision (a)(4)(E);

(D) If the physical therapist determines, based on reasonable evidence, that no substantial progress has been made with respect to that patient within fifteen (15) calendar days or six (6) visits, whichever occurs first, immediately following the date of the patient's initial visit with the physical therapist, the physical therapist shall not provide any additional physical therapy services and shall refer the patient to a licensed physician, doctor of chiropractic, dentist, podiatrist or osteopath. If the patient previously was diagnosed with chronic, neuromuscular, or developmental conditions by a physician, doctor of chiropractic, dentist, podiatrist or osteopath and the evaluation, treatment or services are being provided for problems or symptoms associated with one (1) or more of those previously diagnosed conditions, then the provisions of this subdivision (a)(4)(D) do not apply. If a patient returns to the physical therapist within ninety (90) days of treatment with the same complaint, then the physical therapist shall make an immediate referral to the appropriate health care provider;

(E) When a patient's licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy has not been notified of the physical therapy services, under no

circumstances should therapy services continue beyond thirty (30) days immediately following the date of the patient's first visit;

(F) (i) It shall be considered unprofessional conduct for the purposes of § 63-13-312 for a physical therapist to knowingly initiate services for the same complaint for which a patient:

(a) Has started therapy services but another therapist did not inform a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy within five (5) business days of the initial evaluation in accordance with Section 2(a)(4)(A); or

(b) Has reached the fifteen (15) day and six (6) visit limit imposed by subdivision (a)(4)(D) where no substantial progress has been made from another physical therapist; or

(c) Has reached the thirty (30) day limit imposed by subdivision (a)(4)(E).

(ii) The provisions of this subdivision (a)(4)(F) do not apply if a referral from a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy is made; and

(G) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.

(b) No person shall practice physical therapy other than upon the referral of a patient by a person who is licensed in this or another state to practice medicine, chiropractic, dentistry, osteopathic medicine, or podiatric medicine, within the scope of such practices, and whose license is in good standing and who holds a CPR certificate, or its equivalent, unless one of the following conditions is met:

(1) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national accreditation agency recognized by the United States Department of Education and by the board of physical therapy and the person has completed at least one (1) year of experience as a licensed physical therapist;

(2) The person has successfully completed a residency or clinical fellowship in physical therapy at a program approved by the board; or

(3) (A) The person has completed at least three (3) years of experience as a licensed physical therapist; and

(B) The person has completed a course approved by the board of physical therapy and offered by an accredited university of at least fifteen (15) hours, designed to enable the physical therapist to identify signs and symptoms of systemic disease, particularly those that can mimic cardiological, neurological, oncological, or musculoskeletal disorders, and to recognize conditions that require timely referral to a physician, dentist, osteopath, podiatrist or chiropractor.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: June 4, 2007


 RON RAMSEY
 SPEAKER OF THE SENATE


 JIMMY NAIFEH, SPEAKER
 HOUSE OF REPRESENTATIVES

APPROVED this 13th day of June 2007


 PHIL BREDESEN, GOVERNOR

